IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

OP.No. 25781 of 1998(T)

PETITIONER:

P.C.RAMACHANDRA , AGED 66 YEARS
S/O UNNIRAMA MENON, RESIDING AT
'JYOTSNA', ANNIE HALL ROAD
CALICUT

BY ADV. SRI.V.V.SURENDRAN

RESPONDENTS:
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1. **THE STATE OF KERALA, REP. BY CHIEF SECRETARY, THIRUVANANTHAPURAM**

2. **THE CHAIRMAN**
ANIMAL WELFARE BOARD
NEW DELHI

3. **THE TRAVANCORE DEVASWOM BOARD**
REP. BY ITS CHAIRMAN

4. **THE SPECIAL COMMISSIONER**
APPOINTED BY HIGH COURT OF KERALA
SABARIMALA

BY ADV. SRI.U.K.RAMAKRISHNAN, SC, TDB
ADV.SRI.P.PARAMESWARAN NAIR, ASST. S.G.
GOVT. PLEADER SRI.K.SANDESH RAJA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN O.P.NO.25781/1998

PETITIONER'S EXHIBITS AND ANNEXURE

EXT.P1	**TRUE COPY OF THE NEWS PAPER REPORT IN MATHRUBHUMI DAILY DTD. 5-12-98**
ANNEXURE A	**TRUE COPY OF THE LETTER DTD. 2-9-02 SENT BY THE BOARD TO SECRETARY TO FOREST, STATE OF KERALA**
ANNEXURE B	**TRUE COPY OF THE PROFORMA WITHOUT THE SKETCHES**
ANNEXURE C	**TRUE COPY OF THE LETTER OF THE DEPUTY DIRECTOR PERIYAR TIGER RESERVE (WEST DIVISION) DTD. 18-9-02**
ANNEXURE D	**TRUE COPY OF THE ORDER DTD. 20-10-01 IN W.P.C.NO. 212/01 OF THE HONOURABLE SUPREME COURT OF INDIA**
ANNEXURE E	**TRUE COPY OF THE ORDER DTD. 23-8-02 IN W.P.C.NO. 212/01 OF THE HONOURABLE SUPREME COURT OF INDIA**
ANNEXURE F	**TRUE COPY OF THE ORDER DTD. 21-11-01 IN REPORT NO.1/2001-02 IN O.P.NO.15667/92-S OF THE HONOURABLE HIGH COURT OF KERALA.**

ORDER ON C.M.P.NOS. 49981/99 & 45237/98 IN O.P.NO.25781/98

DISMISSED

03/12/2007 **Sd/-, K.S.RADHAKRISHNAN, JUDGE**

Sd/-, T.R.RAMACHANDRAN NAIR, JUDGE

/True Copy/

K.S.RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR, JJ.

O.P.No.25781 of 1998

Dated this the 3rd day of December, 2007

JUDGMENT

Radhakrishnan, J.

This petition is preferred seeking a writ of mandamus directing the respondents to enforce the statutory provisions of prevention of cruelty to Animals Act 1960 and stop the cruelty to the donkeys transporting materials from Pamba to Sabarimala. Further direction is sought to the respondents 3 to 4 to take necessary action for preventing the cruelty on the donkeys in and around Sabarimala. An additional statement has been filed on behalf of the third respondent wherein it has been stated that transportation of materials are now being performed by plying tractors and engaging donkeys. But tractors are not permitted during festival season. Third respondent has no involvement in ustilising donkeys for transportation of goods from Pamba to Sabarimala. It is also stated that Government of Kerala taking into consideration of the situation extends the service of the Animal Husbandry Department headed by a veterinary surgeon and assisted by a compounder and a peon for the well being of

the donkeys suffering from illness, to dress the wounds of the donkeys etc.

In such circumstances, we are inclined to give a direction to the Animal Husbandry Department to see that no cruelty is shown to the donkeys employed for the transportation of good from Pamba to Sabarimala and in case of any illness steps should be taken to treat the same.

With the above direction, Original Petition is disposed of.

K.S.RADHAKRISHNAN
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

sv.